



DigitalCommons@NYLS

Other Publications

Faculty Scholarship

8-14-2020

The Republican Party goes for broke

Edward A. Purcell Jr.

Follow this and additional works at: https://digitalcommons.nyls.edu/fac_other_pubs

I asked this [troubling question](#) six months ago. What was the Republican Party doing to our constitutional government? My answer was that in the preceding quarter century, and notably the past three years, it suggested it was driving to entrench itself in control of the presidency and the entire federal government. Indeed, the past six months have simply fortified this conclusion, as the Republican Party is no longer bound to our democracy but to the will of a single individual and his cult of personality.

Six months ago we knew the Republican Party embraced some principles that are antithetical to our democracy and handed Donald Trump powers to diminish legislative authority, corrupt agencies of the executive branch, ensure a striking conservative majority on the Supreme Court, and use the office to pressure countries to serve the domestic purposes of Trump. We also knew the Republican Party had continued to honor him even though he lied almost every time he spoke, undermined our interests around the world, and advanced the foreign policy ideas of Vladimir Putin.

Over the past six months, we have learned there is no limit to Republican Party ambition and servility. It backed Trump when he mocked the rule of law by turning the Justice Department into a shield to protect himself and his henchmen. It even stayed with him when he lowered the presidency to its most abject point in our history by refusing to criticize the dire Russian scheme to pay bounties to foreign fighters to kill American soldiers. Most obvious within our daily lives, it supported him when he blindly dismissed expert advice and failed to curb the spread of the coronavirus.

Now over 5 million American people are infected and over 165,000 have died, a number more than double the total military deaths that American soldiers suffered amid the Gulf War, the Korean War and the Vietnam War combined. The contrasting experience of Europe proves his unmitigated failure. With 100 million more residents than the United States, the smart pandemic policies in Europe, contrary to those used by the White House, reduced coronavirus cases to just a fraction of the count here. However, the Republican Party still decided to remain subservient to him.

Of the greatest significance today is that we know the Republican Party, despite this disastrous presidency, is willing to stick with Trump in order to press its incredible gamble that it can seize permanent control of the federal government and that, in order to do so, it is willing to join Trump with resorting to his increasingly desperate and extreme tactics.

They have not taken action to end Russian influence in our election. They are cutting the 2020 census short in hopes that this incomplete tally will advantage red states and increase their representation in Congress. They have refused to make any efforts to reduce the

likelihood that fear of the coronavirus will discourage turnout for the election and refused to enact effective safety measures protecting voters amid the pandemic.

They are seeking to discourage voters and undermine the election results by attacking the legitimacy of mailed ballots. They are also trying to limit the ability of the Postal Service in seeking to disqualify millions of mailed ballots, produce massive delays in the count, and cause confusion about the results. If Trump loses, this will allow them to claim that fraud played the role for his loss and that he is the true winner. They want 50,000 poll watchers in critical states to harass voters they deem suspicious.

McAdams concedes to Owens in competitive Utah district

Their attorney general is investigating Russian interference in 2016 and is planning a report, likely to be as misleading as his summary of the special counsel investigation, distracting from influence by Moscow and blaming all on evil machinations by enemies of Trump. Testifying before Congress, their attorney general indicated he will likely release the report before the election, using his role to create a news event in favor of Trump.

Finally, they have turned the Department of Homeland Security and other agencies of the executive branch into a paramilitary strike force used by Trump. They sent it into local areas for practice and now hold it ready, if necessary, to seize control of districts in swing states. Their dice are out, and their gamble threatens to pay off. If Trump and the Republican Party prevail, it could mean the end of our constitutional government.

Edward Purcell Jr. is the Joseph Solomon distinguished professor with New York Law School and is an author whose latest book is "Antonin Scalia and American Constitutionalism: The Historical Significance of a Judicial Icon."